

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

JUAN LUNA DOMINGUEZ and MARLON JOSE GRANADOS, individually and on behalf of all other persons similarly situated who were employed by GALAXY RECYCLING INC., JOSEPH SMENTKOWSKI, INC. d/b/a GALAXY CARTING and/or SMENTKOWSKI GARBAGE REMOVAL and/or any other entities affiliated with or controlled by GALAXY RECYCLING INC., JOSEPH SMENTKOWSKI, INC. d/b/a GALAXY CARTING and/or SMENTKOWSKI GARBAGE REMOVAL,

Plaintiffs,

-against-

GALAXY RECYCLING INC., JOSEPH SMENTKOWSKI, INC. d/b/a GALAXY CARTING and/or SMENTKOWSKI GARBAGE REMOVAL, and GARY GIORDANO, individually,

Defendants.

**Docket No.: 12-cv-7521 (MCA) (LDW)**

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY  
APPROVAL OF THE PROPOSED SETTLEMENT, AND APPROVAL OF  
PLAINTIFFS' PROPOSED NOTICE OF SETTLEMENT AND PROPOSAL TO  
IMPLEMENT THE CLASS ACTION SETTLEMENT PROCEDURE**

The above-entitled matter came before the Court on Plaintiffs' application for Preliminary Approval of Settlement, and Approval of Plaintiffs' Proposed Notice of Settlement and Class Action Settlement Procedure ("Motion for Preliminary Approval").

IT IS ORDERED, as set forth below, that the Court: (1) grants preliminary approval of the settlement, (2) approves distribution of the proposed notice, and (3) implements the schedule proposed by the parties for effectuating the other terms of the proposed settlement.

**I. Preliminary Approval of Settlement**

1. The Court grants preliminary approval of the settlement memorialized in the Settlement Agreement and Release ("Settlement Agreement"), attached hereto as Exhibit A.

2. The Court finds that the Settlement Agreement is the result of extensive, arm's

length negotiations.

3. The assistance of Magistrate Judge Leda Dunn Wettre reinforces that the Settlement Agreement is non-collusive.

4. Marlon Granados is removed as a class representative in this action. A copy of this Order shall be mailed by Class Counsel to Mr. Granados's last known address within 30 days of the date of this Order.

## **II. Class Notice**

5. The Court approves the Notice of Proposed Class Action Settlement ("Notice"), and the Claim Form annexed hereto as Exhibits B and C, and directs its distribution to the Class.

6. Notice shall be effectuated by publication by first-class mail. The Notice and Claim Form shall be printed in Spanish and English

7. The content of the Notice fully complies with due process and Rule 23 of the Federal Rules of Civil Procedure

8. The Notice satisfies each of these requirements and adequately puts class members on notice of the proposed settlement.

## **III. Class Action Settlement Procedure**

9. The Court hereby sets the following settlement procedure:

_____, 2016 [Within 15 days of the Preliminary Approval Order]	Defendants' Counsel will provide the Settlement Claims Administrator and Class Counsel with the Class Member mailing list in electronic form containing the following information: name and last known addresses for the years worked between December 7, 2010 and December 31, 2015 ("Relevant Period").
_____, 2016 [Within 30 days of the Preliminary Approval Order]	Mailing of Class Notice.

_____, 2016 <b>[Within 60 days of Mailing of Class Notice]</b>	Last day for Class Members to “opt out” of the Settlement or to submit written objections to the Settlement.
_____ 2016 <b>[Within 60 days of Mailing of Class Notice]</b>	Last day for Class Members to qualify as an Authorized Claimant by filing claim forms to join settlement (“Bar Date”).
_____, 2016 <b>[Within 15 days of the Bar Date]</b>	Last day for Class Members to file bona fide late claims to qualify as an Authorized Claimant.
_____, 2016 <b>[Within 45 days of the Bar Date].</b>	Last day for parties to reconcile final distribution of all Allocated Settlement payments to Authorized Claimants, as well as all costs and fees.
_____, 2017	Last day for filing and service of papers in support of final settlement approval.
_____, 2017 at ____ .m.	Final Fairness Hearing.

**ENTER:**

It is so ORDERED this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Honorable Leda Dunn Wettre